



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 8 6 2002 In re Application of

PATENT & TRADEMARK HAMMERMANN et al.

Serial No. 09/403,654

Filed: October 25, 1999

For: EXPRESSION OF FUNGICIDE-BINDING POLYPEPTIDES IN PLANTS FOR  
GENERATING FUNGICIDE TOLERANCE

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Art Unit: 1638

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Examiner: Kruse

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Honorable Commissioner of  
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AMENDMENT UNDER 37 CFR 1.116

Sir:

In response to the Office action of July 17, 2001 and Advisory action of November 2, 2001, applicants request entry of the following amendment and reconsideration in view of the enclosed declaration and following comments.

Applicants note that a Notice of Appeal was mailed on November 16, 2001, which paper was received on January 3, 2002, setting the further time period for reply at March 3, 2002. **No extension should be necessary for the filing of this paper.**

**CLEAN VERSION OF AMENDMENTS**

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32. (thrice amended) An expression cassette for plants, comprising a promoter, a nucleotide sequence encoding a signal peptide, a gene encoding an exogenous methyl methoxyimino- $\alpha$ -(o-tolyloxy)-o-tolylacetate (BAS 490F)-binding polypeptide or a part thereof produced according to steps a)-c) of claim 29, and a nucleotide sequence encoding an ER retention signal and a terminator.

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